

STATE OF INDIANA

COURT

In The Matter Of \_\_\_\_\_

Case No. \_\_\_\_\_

A Child Alleged to be a Delinquent Child

**ORDER ON DETENTION HEARING**

**1. CHILD**

\_\_\_\_\_ was produced before the Court for a  
(child's name)  
Detention Hearing this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**2. NOTICE**

Actual notice of the time, place and purpose of Detention Hearing has been given to the child and \_\_\_\_\_.

(parent) (guardian) (custodian)

Notice has been given to the child and child's \_\_\_\_\_,

(parent) (guardian) (custodian)

of the child's right to counsel and right against self-incrimination; or

\_\_\_\_\_ cannot be located.

(parent) (guardian) (custodian)

**3. PARTIES:**

Present at the hearing are: \_\_\_\_\_.

Detention Hearing is now held.

**4. PROBABLE CAUSE:**

( ) The Court now finds that probable cause exists to believe that said child is a delinquent child and that said child be detained because:

- ( ) the child is unlikely to appear for subsequent proceedings;
- ( ) detention is essential to protect the child or the community;
- ( ) the parent, guardian, or custodian cannot be located or is unable or unwilling to take custody of the child; or
- ( ) the child has a reasonable basis for requesting that he not be released and in support thereof the Court finds:

\_\_\_\_\_

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Responsibility for the placement and care for \_\_\_\_\_ is ordered to the  
\_\_\_\_\_ county probation department.

## 5. IV-E FINDINGS

The Court finds:

☐ Reasonable efforts were made to prevent or eliminate the need for removal, including:

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Or:

☐ Due to the emergency nature of the situation, no reasonable efforts could be made to prevent removal because:

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Return of the child to the child's home is or would be contrary to the best interests of the child and harmful to the safety or health of the child, because:

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## 6. PLACEMENT:

*(If order includes placement payable by DCS and DCS has not been previously notified)* The court shall provide the DCS with a copy of this order. DCS may submit to the court within three business days after receipt of this order a DCS report stating its concurrence of the placement or any recommendation for an alternative placement.

The placement is an emergency required to protect the health and welfare of the child for the following reasons:\_\_\_\_\_.

*(Use one of the following three options if order includes placement payable by DCS after reconsideration has been filed by DCS)*

☐ The court finds that the department of child services concurs in the probation officer's placement;

Or;

☐ the court finds that the department of child services does not concur with the probation officer's placement recommendation and the court accepts the recommendation of DCS;

Or

☐ the court finds that the department of child services does not concur with the

probation officer's placement recommendation and the court finds that the recommendations of the DCS are unreasonable based on the facts and circumstances of the case / or are contrary to the welfare or the best interests of the child.

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*(If placement is ordered out of state)*

The Court finds by clear and convincing evidence that the above out of state placement in a facility that is not a secure detention facility is appropriate because:

( ) The Director of the DCS or his designee has recommended or approved of the placement;

or

( ) There is not a comparable facility with adequate services in Indiana, because \_\_\_\_\_;

or

( ) the facility is not more than 50 miles from the county of the residence of the child.

*(choose one option below)*

( ) The Court orders that said child be detained in (secure)(non-secure) custody at \_\_\_\_\_. Said placement is the least restrictive placement and in the child's best interest. It is contrary to the welfare of the child for the child to remain in the home. The placement was determined to be an emergency required to protect the health and welfare of the child.

OR

( ) The Court now finds that probable cause exists to believe that said child is a delinquent child but that said child is not in need of further detention, and accordingly, orders that said child be released to \_\_\_\_\_.

(parent) (guardian) (custodian)

upon the latter's written promise to bring the child before the Court on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. and from day to day as ordered by the Court.

OR

( ) The Court now finds that probable cause does not exist to believe that said child is a delinquent child and orders said child released to the custody of \_\_\_\_\_.

(parent) (guardian) (custodian)

The Court now finds as follows:

**7. LEGAL SETTLEMENT (Complete if the child is placed outside the home)**

The **legal settlement** of the child is \_\_\_\_\_.

Any notice required by IC 20-26-11-9 shall be given by

\_\_\_\_\_ DCS (*Placement approved or consented to by DCS*) or

\_\_\_\_\_ Probation Office (*Placement not approved or consented to by DCS*).

**8. COSTS**

- ( ) Pursuant to IC 31-40-1-3, the child's \_\_\_\_\_  
(Parents, Guardian of child's estate)  
shall pay for services provided to the child or the parents or guardian, as follows:

\_\_\_\_\_  
\_\_\_\_\_

-OR-

- ( ) Pursuant to IC 31-40-1-3(c), the Court finds, that at the present time, the parents of the child are unable to pay, or that justice would not be served by ordering payment.

**9. HEARINGS**

This case is set for a review hearing on: \_\_\_\_\_ (*no later than 6 months after the date of removal.*)

This case is set for a permanency hearing on: \_\_\_\_\_ (*no later than 12 months after the date of removal.*)

The clerk of the court shall provide the DCS with a copy of this order.

Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Judge

Cc: Department of Child Services